REMARKS

In the Office Action mailed February 7, 2008,[1] the Examiner rejected claims 29-44 under 35 U.S.C. § 101, and rejected claims 1-49 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0218585 to Huang ("*Huang*").

I. The Rejection of Claims 29-44 under 35 U.S.C. § 101

The Examiner indicated that Applicants' specification defines computer-readable media as including a carrier wave, and alleged that this renders claims 29-44 nonstatutory (Office Action at pp. 2-3). Applicants have amended the specification to delete the reference to a carrier wave.

The Examiner also proposed language for independent claims 29 and 38 (Office Action at p. 3). Applicants believe that claims 29 and 38, as originally presented, recite statutory subject matter. Nevertheless, in order to expedite prosecution Applicants have amended claims 29 and 38 in accordance with the Examiner's suggestion. Claims 30-37 and 39-44 were apparently rejected solely due to their dependence from claims 29 and 38, respectively.

In view of the aforementioned amendments, Applicants respectfully request that the Examiner to withdraw the rejection of claims 29-44 under 35 U.S.C. § 101.

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[1] As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

II. The Rejection of Claims 1-49 under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of claims 1-49 under 35 U.S.C. § 102(e) as being anticipated by *Huang*. In order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in...the claim." See M.P.E.P. § 2131 (8th Ed., Rev. 3, Aug. 2005), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131.

Claim 1 recites a method for screening a call, comprising "determining whether a calling party number associated with the calling party is valid following a determination that the real-time call management function is **not** enabled" (emphasis added). *Huang* does not teach or suggest at least this subject matter of claim 1.

Huang discloses a "Call Alerting and Control System" including a "Client System 110" running on a user's computer and a "Gateway System 106" connected to both the Client System 110 and a telephone network 108 (*Huang*, ¶ 36 and FIG. 1). When the user computer is connected to the internet, SCP 124 instructs SSP 116 to route the incoming call to the Gateway System 106, and the Gateway System 106 implements a "blacklist" of undesired callers and can either reroute or automatically disconnect incoming calls from callers on the blacklist (*Huang*, ¶¶ 34, 39, 57, 58). However, when the Client System 110 is not registered or connected to the Internet, the SCP 124 instructs the SSP 116 on how to directly process the incoming call, rather than

instructing the SSP 116 to route the call to the Gateway System 106 (*Huang*, ¶ 37). Thus, the Gateway System 106 does not implement the blacklist processing when the user is not connected to the internet.

The Examiner alleged that when a determination is made in *Huang* as to whether a user is connected to the Internet (and thus Gateway System 106) corresponds to "determining whether a real-time call management function is enabled for the user," as recited in claim 1 (Office Action at p. 4). The Examiner also relied on the blacklist implemented by Gateway System 106 when addressing "determining whether a calling party number ... is valid," as recited in claim 1 (Office Action at p. 4). However, claim 1 recites "determining whether a calling party number associated with the calling party is valid following a determination that the real-time call management function is **not** enabled" (emphasis added). In contrast, *Huang's* Gateway System 106 only implements the blacklist when the Gateway System 106 is enabled by virtue of the user being connected to the internet, and therefore does not implement the blacklist following a determination that real-time call management is not enabled. Therefore, the Examiner's logic makes it impossible for *Huang* to teach or suggest "determining whether a calling party number ... is valid following a determination that the real-time call management function is **not** enabled" (emphasis added), as recited by independent claim 1.

Because *Huang* fails to teach or suggest each of the features of claim 1, Applicants submit that *Huang* does not anticipate claim 1. Since independent claims 10, 17, 26-29, 38, and 45-49 recite language similar to that which distinguishes claim 1

from *Huang* , Applicants further submit that claims 10, 17, 26-29, 38, and 45-49 are not anticipated by *Huang* for at least the reasons given with respect to claim 1.

Claims 2-9 depend from claim 1, claims 11-16 depend from claim 10, claims 18-25 depend from claim 17, claims 30-37 depend from claim 29, and claims 39-44 depend from claim 38. These dependent claims are allowable not only for the reasons stated above with regard to their respective allowable base claims, but also for their own additional features that distinguish them from *Huang* .

Dependent claim 8 recites that a "call screening function further comprises ... placing a second call to the user at the device" (emphasis added). Pages 5-6 of the Office Action cite to portions of *Huang* that disclose a popup window to display calling party information (*Huang*, ¶ 46) and rerouting the call (*Huang*, ¶ 62), but *Huang* contains no disclosure of a call screening function comprising a second call. Applicants further note that rerouting a call is not the same as placing a second call. Therefore, *Huang* does not teach or suggest a "call screening function further comprises ... placing a second call to the user at the device" as recited by dependent claim 8.

III. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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